

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL MINUTES

Date: December 11, 2023

Time: 2 hrs, 6 mins

Judge: WILLIAM H. ORRICK

9:30 a.m. to 11:36 a.m.

Case No.: [22-cr-00168-WHO-1](#)

Case Name: UNITED STATES v. Brody

Attorneys for Plaintiff: Lauren Harding and George Hageman

Attorneys for Defendant: Mark L. Krotoski and Sam Braverman

Defendant **Miklos Daniel Brody** – present, on bond

Deputy Clerk: Jean Davis

Court Reporter: Ruth Levine Ekhaus

Interpreter: n/a

Probation Office: Melissa Moy

Sentencing Hearing conducted.

Findings: Court reviews findings regarding objections to Paragraphs 12, 14 and 20 of the Presentence Report considered at the prior hearing. The Court finds that the government has met its burden to prove the amount of loss sought by clear and convincing evidence. Costs of prosecution sought by the government are reviewed. Sentencing guidelines calculations reviewed. Victim witness statement heard from Brian Kraus. Government heard as to §3553(a) factors. Defense submits a written statement from Mr. Brody's wife, which is reviewed by the Court. Defense heard as to the §3553(a) factors. Probation declines further comment beyond the contents of the PSR. The Court hears from Mr. Brody on his own behalf and queries him as to certain issues. Counsel and Probation agree to strike Condition of Supervision 4 and to modify Condition 6 and 8 to reflect that Probation will not need to monitor or install monitoring equipment on computer equipment belonging to any employer of Mr. Brody and that encryption of computer devices/data will be permitted so long as full access (via keys, passwords, etc.) is provided to Probation. The Court addresses Mr. Brody directly and enumerates the factors considered in crafting an appropriate sentence. Sentence is pronounced as indicated below. Defendant is advised of his limited right of appeal.

Judgment: Defendant is committed to the Bureau of Prisons for a term of **24 months** as to each of Counts 1-3, all counts to run concurrently. The Court recommends to the Bureau of Prisons that the defendant be designated to Lompoc and should be evaluated for mental health issues and treated appropriately. Upon release from incarceration, he shall be placed on **Supervised Release** for a term of **3 years** as to each of Counts 1-3, counts to run concurrently. While on supervised release the defendant will be subject to the standard conditions in force in this District and additional special conditions. A **Special Monetary Assessment of \$300.00** (\$100.00 per count) is imposed and is due and payable immediately. A **Fine of \$1,000.00** is imposed and is due and payable immediately. Restitution in the sum of \$529,266.37 is to be paid

to the FDIC as receiver. During supervised release restitution shall be paid in the sum of \$300.00 per month (or 10% of income, whichever is greater) beginning 60 days after the commencement of supervision.

Defendant is ordered to report to the U.S. Marshal or Bureau of Prisons on or about February 9, 2024.